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November 22, 2023

VIA ECF

The Honorable Pamela K. Chen
United States District Court Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn New York 11201

**Re: Michael Grecco Productions, Inc. v. Alamy Inc. and Alamy Ltd., U.S.D.C.,
E.D.N.Y., No. 1:18-cv-3260-PKC-JAM**

Dear Judge Chen:

On behalf of Plaintiff Michael Grecco Productions, Inc. (“MGPI”), I write in response to Your Honor’s November 13, 2023 Order.

The potential impact of the infringements identified in the recently filed second MGPI action against Alamy Inc. and Alamy Ltd. (together, “the Alamy Defendants”), *Michael Grecco Productions, Inc. v. Alamy Inc., et al.*, Civil Action No. 23-cv-08321 (MGPI II), on the issues raised in the Alamy Defendants’ summary judgment motion filed in this action may depend on the overlap between the additional defendants identified in MGPI II and the so-called “contributors” on whom the Alamy Defendants premise their Digital Millennium Copyright Act immunity arguments. At this time, MGPI is not able to identify the full extent of that overlap, because it is unable to identify the actual individuals or entities behind the “contributor” names used on the Alamy Defendants’ website without the Alamy Defendants disclosing that information. The Alamy Defendants refuse to provide that information at this time and, instead, have taken the position that information must be requested in formal discovery in the Alamy II proceeding.

Specifically, MGPI is aware that two “contributors” the Alamy Defendants blame for some of the infringements at issue in this action overlap with “contributors” identified on the

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Pamela K. Chen
November 22, 2023
Page 2

Alamy Defendants' website in connection with infringements at issue in the MGPI II – AF Archive and Album. No website or corporate registration information can be located identifying a business operating under either name, however. Those names appear to be mere account names or d/b/a designations on the Alamy Defendants' website, but they are not names that can be connected with an actual person or entity through information available to MGPI at this time. There are four other "contributors" named in MGPI II, and a website listing an address has been located only for one - Allstar Picture Library Ltd. ("Allstar"). The others appear to be mere account names on the Alamy Defendants' website, but MGPI cannot identify the actual individuals or entities behind those names at this time.

When the individuals and entities behind the "contributor" names connected to the infringements at issue in Alamy II are disclosed, it may turn out that there are additional overlaps with one or more of the "contributors" identified in the Alamy Defendants' immunity arguments in this case. MGPI is not in a position to say whether that is likely or not at this time. The MGPI II action does not involve the infringement of any image that overlaps with the images at issue in this action, and there is no other potential impact of the MGPI II infringement allegations on the issues raised in the pending summary judgment motion in this case known at this time.

Following service of the MGPI II Complaint on the Alamy Defendants, MGPI will request an order for expedited discovery as to the actual identities of the "contributors" named as defendants in that Complaint, at which time the full overlap with the contributors in this case and potential impact on the immunity arguments raised by the Alamy Defendants should be known.

Sincerely,

s/Steven M. Cowley

Steven M. Cowley

SMC

Cc: All counsel of record (by ECF)